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In re Application of
SCHUMACHER, et al.
U.S. Application No.: 10/524,037
PCT No.: PCT/EP03/08332
Int. Filing Date: 29 July 2003
Priority Date: 27 August 2002
Attorney Docket No.: 264681US0XPCT
For: SILICON DIOXIDE DISPERSION

COMMUNICATION

This application is before the Office of PCT Legal Administration for issues arising out of 35 U.S.C. 371.

BACKGROUND

On 29 July 2003, applicant filed international application PCT/EP03/08332, which claimed priority of an earlier application filed 27 August 2002. Pursuant to 37 CFR 1.492, the thirty-month period for paying the basic national fee in the United States expired at midnight on 27 February 2005.

On 09 February 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by payment of the full, U.S. basic national fee; a First preliminary amendment and a copy of the declaration of the inventors filed in the international application pursuant to PCT Rule 4.17.

On 11 October 2005, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an English translation of the international application and provide payment of the \$130.00 processing fee for providing an English translation of the international application later than thirty months from the earliest claimed priority date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

DISCUSSION

A review of the published international application shows that the international application was published in English. As such, applicant is not required to provide English translation. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for

entry into the national stage in the United States were satisfied on 09 February 2005.

CONCLUSION

The NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 11 October 2005 is hereby **VACATED**.

This application will be given an international application filing date of 29 July 2003 and a date of **09 February 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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